

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 10, 2004**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Resisting, Obstructing or Intimidating Public Officials**

RECOMMENDATION: Repeal Section 27-14 of the City Code which makes it an offense to resist, obstruct or intimidate public officials in the performance of their duties.

SUMMARY: Section 27-14 of the City Code makes it an offense to resist, obstruct or intimidate public officials in the performance of their duties. Under the City Code anyone found guilty of intimidating a public official is guilty of a Class 1 Misdemeanor. The State Code also makes the intimidation of public officials a criminal offense. At the time Section 27-14 was adopted the maximum punishment provided by State law for intimidating a public official was a Class 1 Misdemeanor. The General Assembly has amended the State Code to provide that the intimidation of a public official is now punishable as a Class 5 Felony. Under State law the maximum punishment that can be imposed for violating a local ordinance is a Class 1 Misdemeanor. Since the punishment for violating the City Code is less than the punishment provided by State law it is appropriate to consider repealing Section 27-14 of the City Code. Individuals that intimidate public officials will be charged with violating State law, instead of violating the City Code, and will face the maximum punishment allowed for such an offense. The Commonwealth Attorney's Office and the Police Department recommend the repeal of Section 27-14 of the City Code.

- A Class 1 Misdemeanor is punishable by confinement in jail for not more than twelve months and a fine of not more than \$2,500, either of both.
- A Class 5 Felony is punishable by a term of imprisonment of not less than one year nor more than ten years or in the discretion of the court of jury trying the case, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either of both.

PRIOR ACTION(S): None

FISCAL IMPACT: Possible loss of the fines imposed on individuals who are convicted of intimidating public officials. However, the number of persons convicted of such offenses each year is relatively small so the loss of any fines will have a minimal fiscal impact on the City.

CONTACT(S): Walter C. Erwin, 455-3973

ATTACHMENT(S): An ordinance repealing Section 27-14 of the City Code.

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF LYNCHBURG, 1981, BY REPEALING SECTION 27-14, THE REPEALED SECTION RELATING TO RESISTING, OBSTRUCTING OR INTIMIDATING PUBLIC OFFICIALS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended by repealing Section 27-14.
2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

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